

E-FILED - 7/3/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBAUM,

Plaintiff,

vs.

JUDGE SUSAN ILLSTON,

Defendant.

No. C 08-2409 RMW (PR)

ORDER OF DISMISSAL

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983 against a judicial officer of the court. Plaintiff alleges that a ruling by defendant in one of his cases violates his constitutional rights. The court will DISMISS the instant complaint for failure to state a cognizable claim for relief.

DISCUSSION

A. Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such

1 relief. Id. at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. Balistreri v.
2 Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

3 B. Plaintiff's Claim

4 Defendant, a federal judge, is absolutely immune from civil liability for acts
5 performed in adjudicating plaintiff's cases. See Moore v. Brewster, 96 F.3d 1240, 1243
6 (9th Cir. 1996). Accordingly, this action will be dismissed for failure to state a
7 cognizable claim for relief.

8 **CONCLUSION**

9 Plaintiff's complaint is hereby DISMISSED for failure to state a cognizable claim
10 for relief.

11 The clerk shall terminate all pending motions and close the file.

12 IT IS SO ORDERED.

13 DATED: 7/1/08



RONALD M. WHYTE
United States District Judge